

FAEGRE & BENSON LLP

2200 WELLS FARGO CENTER, 90 SOUTH SEVENTH STREET
MINNEAPOLIS, MINNESOTA 55402-3901
TELEPHONE 612-766-7000
FACSIMILE 612-766-1600

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Date: February 25, 2005

Time: _____.m. (Minneapolis)

Number of pages (including this page): 3

F&B File No.: 75028- 309284
Rec.: 993

From: Tong Wu

Telephone Number: 612/766-6804

To: REIMERS, Annette R.
Art Unit: 3732

Fax No.: 703-872-9306
Phone No.: 703-305-3531

Patent & Trademark Office, Technology Center 3700

Inventor(s): JAMES R. MUJWID et al.

Examiner: REIMERS, Annette R.

Appln. No.: 10/685,767

Group Art Unit: 3732

Filing Date: October 14, 2003

Title: EXPANDABLE
INTERVERTEBRAL
IMPLANT CAGE

Docket No. 75028-309284

Attached for filing:

Response to Election of Species Requirement (2 pages).

M2:20695010.01

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PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Inventor(s): JAMES R. MUJWID et al.	Examiner: REIMERS, Annette R.
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Title: EXPANDABLE INTERVERTEBRAL IMPLANT CAGE	Docket No. 75028-309284

Commissioner for Patents
P. O. Box 1450
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RESPONSE TO ELECTION OF SPECIES REQUIREMENT

This communication is responsive to the Office Action mailed on January 25, 2005, in which all pending claims 1-20 were subject to an election of species requirement. In particular, the position was taken that the application includes claims directed to four (4) species. The Office Action asserted that Species I is directed to Figures 1-2; Species II is directed to Figures 3-5; Species III is directed to Figures 6-8; and Species IV is directed to Figures 9-10.

By this response, Applicants elect to prosecute Species II in this application. This election is made without traverse. The claims readable on the elected Species II are: 1-20.

Applicant asserts that claims 1-20 are generic to Species I, II, III, and IV. Applicant understands that if a generic claim is allowed, applicant will be entitled to consideration of claims to additional species which are written in dependent form or otherwise include all the limitations of an allowed generic claim.

Examination of the application is requested. No fee is believed to be necessary in connection with this response. Should an extension of time, or any fee be

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required, the applicant requests that this action be undertaken and our Deposit Account No. 06-0029 be charged for the fee.

Respectfully Submitted,

JAMES R. MUJWID et al.

By:



Tong Wu, #43,361
FAEGRE & BENSON LLP
2200 Wells Fargo Center
90 South Seventh Street
Minneapolis, MN 55402-3901
612/766-6804

Dated: February 25, 2005

M2:20694999.01